

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

96-20058-02

VENNIS LISLES, Defendant.

ORDER FOR ADDITIONAL 1B1.10 INFORMATION

Pending before the court is a 1B1.10 Report and a stipulation suggesting that the Defendant is eligible for a sentence reduction under 18 U.S.C. § 3782(c)(2).

Defendant had been sentenced in February, 1998, and a Rule 35 motion for sentence reduction pursuant to Rule 35, F. R. Crim. Pro. Was filed in February, 1999, but was suspended while his direct appeal was active. The 1B1.10 Report reveals that additional criminal activity –smuggling marijuana into the prison– was committed by the Defendant during August, 1999, on which he entered a plea of guilty and was sentenced in May, 2000. Also in May, 2000, the court of appeals issued a mandate on its decision denying Defendant's direct appeal. In July, 2001, the government reactivated its Rule 35 motion, and in the same month this court approved the government's motion, granting Defendant an approximate 20% reduction.

The court may not have been informed about the 1999 crime before granting this reduction, however, and now seeks additional information on this point. Also, in a telephone conference with Defendant's present counsel, government counsel and the probation officer, it appears that additional favorable information not included in the 1B1.10 Report may now be available from the Bureau of Prisons.

IT IS ORDERED that the 1B1.10 Report be updated with whatever additional relevant favorable information may be available, as noted above

IT IS FURTHER ORDERED that counsel for Defendant and the government investigate and collaborate on a memorandum or other means of informing the court whether a) the 1999 criminal activity was known to either government or defense counsel before the Rule 35 motion was reactivated in 2001, and b) whether any such information was noted or otherwise made available to the court before the court approved the Rule 35 motion.

All such updates should be assembled and presented to the court on or before **DECEMBER 22, 2008.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 24, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 24, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522